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**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: DA VINCI SURGICAL  
ROBOT ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Case No.: 3:21-cv-03825-AMO-LB

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO MODIFY THE CLASS CERTIFICATION  
BRIEFING SCHEDULE**

Judge: The Honorable Araceli Martínez-Olguín

Pursuant to Local Civil Rule 6-2, Plaintiffs Larkin Community Hospital, Franciscan Alliance, Inc., and King County Public Hospital District No. 1, d/b/a Valley Medical Center and Defendant Intuitive Surgical, Inc. (collectively, the “Parties”) stipulate as follows and respectfully request that the Court endorse this stipulation with an order modifying the class certification briefing deadlines:

WHEREAS, the prior case schedule provided that briefing on Plaintiffs’ motion for class certification would take place after the hearing on the summary judgment and *Daubert* motions, which had been scheduled for June 8, 2023, with Plaintiffs’ motion for class certification due July 13, 2023, Defendant’s opposition due August 17, 2023, and Plaintiffs’ reply due September 14, 2023;

WHEREAS, on May 11, 2023, an order accompanying the reassignment of this case from Judge Chhabria to Judge Martínez-Olguín (ECF No. 173) vacated all hearing dates, but provided that existing briefing schedules for motions would remain unchanged, which removed the link between the hearing on the summary judgment and *Daubert* motions and the filing date for Plaintiffs’ class certification motion;

WHEREAS, the hearing date on the summary judgment and *Daubert* motions has now been rescheduled for September 7, 2023;

WHEREAS, on June 19, 2023, Defendant filed a motion to extend the deadline for its opposition to Plaintiffs’ class certification motion, which it has agreed to withdraw with the understanding that both Parties reserve the right to request further modification of the proposed class certification briefing schedule after the hearing on the summary judgment and *Daubert* motions;

NOW THEREFORE, the Parties have agreed, subject to the Court’s approval, to the following amended briefing schedule for Plaintiffs’ class certification motion:

Event	Proposed Date
Joint CMC Statement due	September 28, 2023
Case Management Conference	October 5, 2023
Deadline to file motion for class certification	October 27, 2023
Deadline to file opposition to motion for class certification	December 6, 2023
Deadline to file reply in support of motion for class certification	January 12, 2024

1 DATED: June 22, 2023

By: /s/ Michael J. Boni

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DATED: June 22, 2023

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IT IS SO ORDERED that the foregoing Stipulation and [Proposed] Order to Modify the Class Certification Briefing Schedule is approved.

Dated June 23, 2023

BY THE COURT:



HON. ARACELI MARTÍNEZ-OLGUÍN  
United States District Judge